THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.14258 OF 2006

DATED: 04.8.2006

BETWEEN:

National handloom Garments Manufacturers Co-op., Society Ltd.,

… petitioner

and

The Secretary to Government of A.P.,
Industries and Commerce (SSI) Dept., Hyd. … Respondent.;

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.14258 OF 2006

ORDER:

1. Heard counsel on record.

2. The writ petition is filed for a writ of mandamus declaring the inaction on the part of the respondents in not taking steps to implement the G.O.Ms.No.438 Industries and Commerce (SSI) Department, dated 5.9.1983 and the judgment rendered in W.P.No.24857 of 2005 dated 21.1.2006 and the consequential G.Os., in their true spirit as arbitrary, illegal, and contrary to the scheme of G.O.Ms.No.438, dated 5.9.1983 and also violative of Fundamental Rights guaranteed to the weavers community under Articles 14, 16 and 21 of the Constitution of India and consequently direct the 1st respondent to take appropriate action compelling all the government departments to adhere to the guidelines framed in G.O.Ms.No.438 and also the subsequent G.Os., in placing the orders for supply of the cloth requirement to their work charged

employees and pass such other suitable orders.

3. It is stated that the petitioner – Cooperative Society registered by the third respondent on 14.11.1977 called as APCO and SSI unit from 8.11.1983 and it manufacture and supply of uniform cloth to all depot and Class-IV employees of all Government Departments as per standing orders of the 1st respondent vide G.O.Ms.No.438 Industries and Commerce Department, dated 5.9.1983. The society is registered under the provisions of A.P.Cooperative Societies Act, and it was registered as SSI unit with registration No.01/13/000111/PMT/SSI/APSI dated 8.11.1983 by the third respondent. It is also stated that the unit has got good record in manufacturing and supplying uniform cloth to all the government departments of Andhra Pradesh by utilizing Class-IV and work-charged employees and also supplier of uniform cloth to the Government Department and public undertaking on low rates including the excise duty. It is also stated that the petitioner was formed to espouse the grievance of the weavers and poor people to take steps to reach the benefits of welfare schemes being implemented by the Government for their benefit. The State Government launched several welfare schemes to mitigate the problems and to prevent the starvation

deaths. As such the Government i.e., 1st respondent herein issued G.O.Ms.No.438 dated 5.9.1983 superseding earlier G.Os., and directed all the government departments to purchase 100% requirement of cloth from APCO and A.P.Khadi Village Industries board with a view to encourage the Handlooms Industry. It is stated that certain objections raised by the 5th and 6th respondent the petitioner approached the 2nd respondent seeking directions against the 5th respondent and 6th respondent. The 2nd respondent who is the head of depot had issued orders vide G.O.Ms.No.358 dated 20.8.1998 directing the 5th and 6th respondent and all concerned in the State to give livery orders to the petitioner society along with other garments manufacture Co-operative Societies for the year 1993-94 to 1996-97 and the 5th respondent had given directions to all the Executive Engineers, Panchayat Raj and M.P.D.Os under his control vide letter No.A6/4481/98 dated 18.12.1998 and the petitioner society had supplied cloth and stitched dresses of all staff of E.Es., of P.R. and R.Ws., and all the MPDOs., in Mahbubnagar district as per the rates fixed by the petitioner-society vide Lr.No.492/2002 dated 14.5.2002. It is also stated that similarly situated society filed a writ petition in W.P.No.24857 of 2005 seeking to issue a writ of mandamus declaring

inaction on the part of the respondent in not taking steps to implement the G.O.Ms.No.438 dated 5.9.1983 and the consequential G.Os., as illegal and contrary to the scheme of the said G.O.Ms.No.438 dated 5.9.1983. In the said writ petition the Division Bench of this Court passed orders to strictly implement the policy taken by the Government earlier. In compliance of the directions given by this Court, the State Government had issued memo No.218/Text.1/2006-2 dated 21.1.2006 for ensuring total compliance of the directions given earlier for purchase of liveries and clothes from APCO. In view of the action taken by the state Government to reiterate the earlier instructions, the writ petition was disposed of with the direction that any violation of the policy of the Government in future should be strictly dealt with and punitive action would be take against the defaulter by an order dated 27.1.2006. It is also stated that in view of the orders passed by this Court dated 26.12.2005, the 1st respondent had addressed a letter to the 4th respondent No.218/Tex.1/2006 dated 19.1.2006 duly informing him to issue directions to the institutions under the control of the fourth respondent to ensure purchase of livery cloth etc., from APCO only to avoid contempt proceedings strictly in accordance with G.O.Ms.No.438 dated 5.9.1983. On receipt of the D.O. letter from the 1st respondent,

the fourth respondent had communicated the same to the 5th and 6th respondent and as certain clarifications required from the subordinates, the first respondent issued memo dated 21.1.2006 directed to purchase 100% livery from APCO societies as per earlier orders of the 1st respondent vide G.O.Ms.No.438 dated 5.9.1983, which are in favour of A.P.Handloom Weavers Cooperative Societies Limited. But the 1st respondent had failed to mark the said memo dated 21.1.2006 to the fourth respondent for onward transmission to the 5th and 6th respondents. It is also stated that when the petitioner had approached the 5th and 6th respondents to obtain livery orders they informed that the Hon'ble Court had cancelled orders of government to place livery indent to Cooperative Societies as per G.O.Ms.No.438. But in pursuance of the directions of the Hon'ble Court the 1st respondent in his orders dated 21.1.2006 had directed to place 100% indent of livery to APCO. Hence, the action of the respondent in not placing orders with the petitioner society in the district is illegal, arbitrary and contrary to the judgment of this Court in W.P.No.24857 of 2005 and G.O.Ms.No.438 dated 5.9.1983 and also the consequential G.Os. It is also stated that in pursuance of the judgment of this Court, the petitioner society submitted a detailed

representation dated 13.4.2006 to respondent Nos.5 and 6 requesting them to examine the government memo dated 21.1.2006 as per G.O.Ms.No.438 and requesting that all societies comes under APCO units only. So far the respondents not passed any orders on the representation. Under the said circumstances, the petitioner approached this Court.

4. In the facts and circumstances of the case, inasmuch as it is stated that a representation was made to the 5th respondent – The Chief Executive Officer, Zilla Parishad, Mahabubnagar and in the light of several facts, which had been narrated, it would be just and proper to direct the 5th respondent to dispose of the representation dated 13.4.2006 made by the petitioner society. Accordingly, the 5th respondent is hereby directed to dispose of the representation dated 13.4.2006 in accordance with law, especially in the light of the facts narrated above, within six weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No orders as to costs.

_____

04.8.2006.

Note:

Issue C.C. in one week.

B/o.

Mdaa.